

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:04CV347

|                      |   |       |
|----------------------|---|-------|
| EDWARD KITCHEN,      | ) |       |
|                      | ) |       |
| Plaintiff,           | ) |       |
|                      | ) |       |
| vs.                  | ) | ORDER |
|                      | ) |       |
| HOMECOMING FINANCIAL | ) |       |
| (GMAC-RFC),          | ) |       |
|                      | ) |       |
| Defendant.           | ) |       |
|                      | ) |       |

This matter is before the court upon Defendant's Motion for Summary Judgment, filed March 31, 2005, the *pro se* Plaintiff's Motion for Summary Judgment, and Motion to Strike Defendant's Motion for Summary Judgment, both filed April 19, 2005. The court treats Plaintiff's subsequently filed Motion for Summary Judgment as a response to the Defendant's motion.

The court has reviewed the briefs and affidavits filed in this matter and finds that there is no genuine issue of material fact and judgment in favor of the Defendant is appropriate. Accordingly, for the reasons stated in the Defendant's memorandum of law in support of its Motion for Summary Judgment,

IT IS THEREFORE ORDERED that Defendant's Motion for Summary Judgment is hereby GRANTED, and Plaintiff's Motion for Summary Judgment and Motion to Strike are hereby DENIED.

**Signed: May 16, 2005**



Graham C. Mullen  
Chief United States District Judge

